



U.S. Department of Justice

Michael J. Sullivan
United States Attorney
District of Massachusetts

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Suite 9200
Boston, Massachusetts 02210

August 31, 2005

Oscar Cruz, Jr.
Office of Federal Defender
125 Pearl Street
Third Floor
Boston, MA 02110

Glen P Randall, Esq.
Murphy and Randall
Suite 100
50 Burlington Mall Road
Burlington, MA 01803

Re: United States v. Smith & Cabana
Criminal No. 05-10155-MLW

Dear Counsel:

I wrote to you on August 12th concerning certain records temporarily being held in storage by the trustee for the Chapter 7 bankruptcy of Trip Makers, Inc. *These are not records in the possession or control of the Government.* However, in light of the pending criminal case, the Trustee offered to delay routine destruction of the records to give defense counsel a reasonable time to determine whether you want to review those records. My letter asked that you contact Attorney Adam Ruttenberg, Looney & Grossman, [(617) 951-2819 x 556; ARuttenberg@lgllp.com] as counsel to the trustee, by **August 26th** to advise.

I am informed that neither counsel has contacted Mr. Ruttenberg or the Trustee. I assume from that fact that neither counsel wishes to review the bankruptcy records.

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A copy of my letters has been delivered to Mr. Ruttenberg. I assume that within the near future he may advise the Trustee to dispose of the records per standard procedure.

Very truly yours,

MICHAEL J. SULLIVAN
United States Attorney

By:

COPY
VICTOR A. WILD
Assistant U.S. Attorney

cc: Thomas Quinn
Clerk to Magistrate Judge Dein
(without enclosure)